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U.S. DISTRICT COURT  
AUGUSTA DIV.

2011 MAR 30 P 4: 26

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standards enunciated in Slack v. McDaniel, 529 U.S. 473, 482-84 (2000), Petitioner has failed to make the requisite showing. Accordingly, a COA is **DENIED** in this case.<sup>2</sup> Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Accordingly, Petitioner is not entitled to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3).

Upon the foregoing, Respondent's motion to dismiss (doc. no. 5) is **GRANTED**, Petitioner's § 2255 motion is **DISMISSED**, this civil action is **CLOSED**, and a final judgment shall be **ENTERED** in favor of the United States of America.

SO ORDERED this 30<sup>th</sup> day of March, 2011, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> "If the court denies a certificate, a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a) to the Rules Governing Section 2255 Proceedings.